

**OPENING STATEMENT
HONORABLE TOM BLILEY, M.C.
COMMERCE COMMITTEE CHAIRMAN**

Joint Hearing of the
Subcommittee on Health and Environment and the
Subcommittee on Oversight and Investigations
May 8, 1997

Thank you very much Mr. Chairman. Today's hearing is the fourth in a continuing series of hearings by these two subcommittees on EPA's proposed revisions to the air quality standards for ozone and particulate matter. At each hearing, more and more questions have been raised about whether these are the right proposals, at the right time, and for the right reasons.

Today's focus is on whether these new standards, if implemented, will result in significant and noticeable health benefits to the American public. This is a question that has divided not only our panelists today, but also the Clinton Administration itself. All sides, however, can agree on one thing: these proposals, if finalized, will impose significant costs on the American people and governments at all levels, and will bring hundreds of new communities under federal controls. Therefore we must look hard and listen critically before committing this nation to such a path.

In my prior opening statements on this topic, I have explained in detail my attempts to obtain for this Committee and for the public the most accurate, complete, and timely information about these questionable proposals. I also have expressed my grave concerns about the failure of the White House and the Department of Transportation to fully comply with my requests to produce their reviews and

analyses of EPA's proposals. Now the Treasury Department has joined in this refusal to turn over certain responsive documents. As I have said previously, we will obtain all of these documents one way or the other.

That is why, today, I am writing to the White House Counsel and to the Secretaries of the Departments of Treasury and Transportation demanding that the withheld documents be produced voluntarily by next Tuesday, May 13th, or else I will be forced to consider more formal processes to secure these materials. I do not do so lightly. But I do so with full knowledge that this Committee -- in a strong, bipartisan fashion -- historically has not wavered in its defense of Congress' right to obtain from the Executive Branch information critical to the furtherance of our legislative and oversight responsibilities.

Since I'm on the subject of seeking information, I feel that I must respond to certain statements made by one of our panelists in his written testimony. Again, I have previously discussed in detail my efforts to force EPA to obtain and quickly make available for independent review the data underlying two of the key Harvard studies upon which the agency bases its particulate matter proposal. I have not been alone in this regard -- indeed, in addition to numerous other scientists, EPA's own Clean Air Science Advisory Committee requested that the agency obtain some of the very same data nearly three years ago, so that it could be re-analyzed by multiple, independent reviewers prior to serving as the basis for massive regulatory action. In light of this history, I must say that I found Dr. Levy's written attack on

those of us who simply have been trying to confirm the conclusions of these studies to be way off the mark factually. It warrants a response.

First, Dr. Levy's claim that federal law and professional ethics somehow prohibit the release of all health-related data is a fallacy that not even Harvard has tried to assert. The confidentiality agreement between Harvard and its subjects, which is consistent with federal law on this subject, clearly states that the study participants are assured only that their identity and their relationship to any of the information they provide will not be disclosed. No one -- including me -- has ever suggested that Harvard violate this agreement by providing such identifying information. I also will point out that, if what Dr. Levy says were in fact true, then it would appear that even providing the health data to the Health Effects Institute, as Harvard recently proposed and as Dr. Levy embraced in his testimony, would also violate federal law and professional ethics.

Second, Dr. Levy stated that the public debate over Harvard's failure to make its data available to other researchers was unfortunate, since Harvard's recent proposal to provide this information to HEI for a limited re-analysis was "probably never in doubt" due to Harvard's willingness to accommodate "from the beginning." Obviously, Dr. Levy has not been following the course of events between this Committee, EPA and Harvard very closely, because if he had been, he surely would have known that both EPA and Harvard had to be dragged kicking and screaming just to get them to this point -- which, I might add, is still unsatisfactory to me, and

has yet to be accepted by HEI due to all the conditions and restrictions Harvard has imposed. For the record, I would like to submit the chain of correspondence between and among this Committee, EPA, and Harvard regarding this issue, which includes a copy of the Harvard confidentiality agreement.

Dr. Levy should get his facts straight, especially before making such a public attack. If anyone's motives should be questioned here, they are those of Harvard and its defenders at EPA and elsewhere who, for some reason, are afraid to let the American public fully understand the bases for the agency's air quality proposals.

Thank you, Mr. Chairman.